

1
2
3 **BEFORE THE PUBLIC DISCLOSURE COMMISSION**
4 **OF THE STATE OF WASHINGTON**

5 IN THE MATTER OF ENFORCEMENT)
6 ACTION AGAINST)

PDC CASE NO.: 01-200

7) **FINAL ORDER IMPOSING FINE**
8)
9)

Seattle School District No. 1,

Respondent.

10
11 The Washington State Public Disclosure Commission (Commission) conducted an
12 enforcement hearing under chapters 34.05 and 42.17 RCW and chapter 390-37 WAC on
13 September 27, 2001.

14 The Commission conducted the hearing to consider the stipulation between the parties
15 as to facts, violations and penalty, and to consider whether to accept the stipulation in lieu of a
16 full enforcement hearing.

17 The Commission held the hearing at Evergreen Plaza Building, Room 206, 711 Capitol
18 Way South, in Olympia, Washington. The Respondent was represented by John M. Cerqui,
19 Assistant General Counsel for Seattle Public Schools, who did not appear live, but signed a
20 stipulation as to facts, violations, and penalty consistent with Commission decisions in similar
21 school district cases. The Staff appeared through F. Neil Gorrell, Assistant Attorney General.

22 The Commission heard oral argument from Staff. The Commission considered the
23 Report of Investigation dated September 6, 2001, the Notice of Administrative Charges issued
24 on September 11, 2001, and the Stipulation of Facts, violations and penalty dated September
25 26, 2001.

1 The parties stipulated that the Report of Investigation and Notice of Administrative
2 Charges contained accurate statements of fact. The parties further stipulated that based on
3 those facts the Commission would likely find multiple violations of RCW 42.17.680(4)
4 because Respondent withheld WEA-PAC contributions for more than one employee. Finally,
5 the parties stipulated that Respondent was willing to accept an assessed total civil penalty of
6 \$1,000.00.

7 Based on this record, THE COMMISSION ACCEPTS THE STIPULATION OF
8 FACTS, VIOLATIONS, AND PENALTY. THE COMMISSION ORDERS that the
9 Respondent has committed multiple violations of RCW 42.17.680(4).

10 THE COMMISSION FURTHER ASSESSES a total civil penalty of \$1,000.00 against
11 the Respondent, \$500.00 of which is suspended on the condition that for a period of four years
12 from the date of entry of this Final Order, there are no further violations of any provision of
13 RCW 42.17.

14 The entire non-suspended portion of the penalty shall be paid within 60 days from the
15 date of entry of this Final Order.

16 Any party may ask the Commission to reconsider this final order. Parties must place
17 their requests for reconsideration in writing, include the specific grounds or reasons for the
18 request, and deliver the request to the Public Disclosure Commission Offices within 10 days of
19 the date that the Commission serves this order upon the party.

20 Pursuant to RCW 42.17.395(5), a final order issued by the Public Disclosure
21 Commission is subject to judicial review under the Administrative Procedures Act, chapter
22 34.05 RCW. Pursuant to RCW 34.05.542(2), a petition for judicial review must be filed with
23 the superior court in Thurston County or the petitioner's county of residence or principal place
24 of business. The petition for judicial review must be served on the Public Disclosure
25

1 Commission and any other parties within 30 days of the date that the Public Disclosure
2 Commission serves this final order on the parties.

3 If reconsideration is properly sought, the petition for judicial review must be served on
4 the Public Disclosure Commission and any other parties within 30 days after the Commission
5 acts on the petition for reconsideration. Pursuant to RCW 34.05.470(3), the Public Disclosure
6 Commission is deemed to have denied the petition for reconsideration if, within twenty days
7 from the date the petition is filed, the agency does not either dispose of the petition or serve the
8 parties with written notice specifying the date by which it will act on the petition. Pursuant to
9 RCW 34.05.470(5), the Respondent is not required to ask the Public Disclosure Commission to
10 reconsider the final order before seeking judicial review by a superior court.

11 The Commission will seek to enforce this final order in superior court under RCW
12 42.17.395-397, and recover legal costs and attorney's fees, if the penalty remains unpaid and
13 no petition for judicial review has been filed under chapter 34.05 RCW. This action will be
14 taken without further order by the Commission.

15
16
17 DATED THIS 9th day of October, 2001.

18
19 FOR THE COMMISSION:

20
21 _____
22 VICKI RIPPIE, Executive Director
23
24
25